

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

<p>BHARTI R. BHARWANI and ROBERT A. ZIRINSKY, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>LINCOLN NATIONAL CORP. and LINCOLN NATIONAL LIFE INSURANCE COMPANY,</p> <p style="text-align: center;">Defendants.</p>	<p>Civ. A. No. 16-cv-06605-GJP</p> <p>CLASS ACTION</p>
<p>BARRY MUKAMAL, as Trustee of the Mutual Benefits Keep Policy Trust, and MILGRIM INVESTMENTS, LP, a New Jersey Limited partnership, on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>LINCOLN NATIONAL CORP. and LINCOLN NATIONAL LIFE INSURANCE COMPANY,</p> <p style="text-align: center;">Defendants.</p>	<p>Civ. A. No. 17-cv-00234-GJP</p> <p>CLASS ACTION</p>
<p>US LIFE 1 RENDITEFONDS GMBH & CO. KG and US LIFE 2 RENDITEFONDS GMBH & CO. KG, on behalf of themselves and all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>THE LINCOLN NATIONAL LIFE INSURANCE COMPANY,</p> <p style="text-align: center;">Defendant.</p>	<p>Civil. A. No. 2:17-cv-00307-GJP</p> <p>Class Action</p>

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LOWELL RAUCH and CAROL ANNE RAUCH,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

LINCOLN NATIONAL CORP. and LINCOLN
NATIONAL LIFE INSURANCE COMPANY,

Defendants.

Civ. A. No. 2:17-cv-00837-GJP

Class Action

**[REVISED PROPOSED] ORDER CONSOLIDATING RELATED ACTIONS
PURSUANT TO RULE 42(a)(2) AND APPOINTING PLAINTIFFS' INTERIM
CLASS COUNSEL PURSUANT TO RULE 23(g)**

Having considered the motions filed for consolidation of all actions related to the *Bharwani* Action, and the application filed by Plaintiffs in the *Bharwani*, *Mukamal* and *US Life* Actions, and for good cause shown, the Court hereby Orders as follows:

I. Consolidation of Related Actions

This Order shall govern the following actions: *Bharti R. Bharwani, et al. v. Lincoln National Corp. and Lincoln National Life Insurance Company*, Case No. 16-cv-06605-GJP (“*Bharwani* Action”); *Barry Mukamal, et al. v. Lincoln National Corp. and Lincoln National Life Insurance Company*, Case No. 17-cv-00234-GJP (“*Mukamal* Action”), *US Life I Renditefonds GMBH & Co. KG, et al. v. The Lincoln National Life Insurance Company*, No. 17-cv-00307-GJP (“*US Life* Action”), and *Lowell Rauch, et al. v. Lincoln National Corp. and Lincoln National Life Insurance Company*, Case No. 17-cv-00837-GJP (“*Rauch* Action”) (together, the “Related Actions”). The Related Actions are hereby consolidated for all purposes pursuant to Fed. R. Civ. P. 42(a)(2). This Order shall apply to the Related Actions and to each case that may be filed subsequently in this Court that relates to the same subject matter as in the Related Actions.

Every pleading filed in this Consolidated Action shall bear the following caption:

<p>IN RE: LINCOLN NATIONAL COI LITIGATION,</p> <p>This filing relates to:</p>	<p>Master File. No.: 16-cv-06605-GJP</p>
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II. Appointment of Plaintiffs' Interim Class Counsel

The Court hereby appoints, to serve as Interim Class Counsel, a Plaintiffs' Steering Committee chaired by Barrack, Rodos & Bacine that will also include Bonnett, Fairbourn, Friedman & Balint, P.C., Kozyak Tropin & Throckmorton, LLP, and Susman Godfrey L.L.P.

The Plaintiffs' Steering Committee shall manage the prosecution of the litigation to avoid duplicative or unproductive activities. Such counsel shall be responsible for coordination of all activities and appearances on behalf of Plaintiffs and for dissemination of notices and orders to Plaintiffs, other Plaintiffs' Counsel, and Class members as the Court may direct. The Chair of the Steering Committee shall be responsible for communications with the Court.

The Plaintiffs' Steering Committee shall further be responsible to coordinate the activities of Plaintiffs' counsel with respect to Defendants during pretrial proceedings and in preparing for trial. Specifically, the Plaintiffs' Steering Committee will have the following responsibilities:

- a) Determine and promote the position of Plaintiffs on all matters during pretrial proceedings and present them to the Court, as appropriate;
- b) Coordinate Plaintiffs' discovery, including, with the assistance of other Plaintiffs' counsel, establishing appropriate electronic discovery protocols, the preparation and serving of interrogatories, requests for production of documents, requests for admissions, and taking and defense of depositions;
- c) Consult with and employ consultants and experts;
- d) Delegate specific tasks to particular Plaintiffs' firms or attorneys as necessary for the orderly and efficient prosecution of the Consolidated Action and avoidance of

duplicative or unproductive efforts, consult and advise on strategy, and coordinate such matters as fact and expert discovery, dispositive motions and the motion(s) for class certification;

- e) Enter into stipulations with Defendants' counsel as necessary and appropriate for the conduct and potential resolution of the litigation;
- f) Establish a time and expense reporting system for Plaintiffs' counsel;
- g) Monitor the activities of Plaintiffs' counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided;
- h) Establish and maintain a document depository to be accessible to other Plaintiffs' counsel, consistent with the efficient prosecution of the Consolidated Action;
- i) File all pleadings or other papers filed with the Court on behalf of any Plaintiff, and assure that no pleadings or other papers are filed or tasks performed by Plaintiffs' counsel without the advance approval of Interim Class Counsel in order to prevent duplication of pleadings, discovery or tasks by plaintiffs' counsel;
- j) Communicate regularly with other Plaintiffs' counsel, keeping them informed of significant developments in the litigation and confer with other Plaintiffs' counsel on important decisions and other substantive matters;
- k) Determine the appropriate people to speak at hearings and conferences before the Court; and
- l) Perform such other duties as may be incidental to proper coordination of Plaintiffs' pretrial activities or may be authorized by further Order of the Court.

III. Filing of a Consolidated Class Action Complaint

Within 30 days of this Order, Interim Class Counsel shall file with the Court and serve on Defendants a Consolidated Class Action Complaint for the Consolidated Action. Pending the filing of such a Consolidated Class Action Complaint, Defendants shall not be required to respond to the complaints filed in the *Bharwani* Action, *Mukamal* Action, *US Life* Action, *Rauch* Action, or any other related complaints that may be filed.

IT IS SO ORDERED, this 20th day of March, 2017.

/s/ Gerald J. Pappert
The Honorable Gerald J. Pappert
United States District Judge